POWERS—EXECUTION—ESTOPPEL.—A gift of real estate was made to one for life with power of appointment by will. The donee of the power made a conveyance in mortgage and received for his own use the consideration of the mortgage. He afterwards exercised the power of appointment in favor of a third party. *Held,* he was estopped from exercising the power of appointment to the prejudice of the mortgagee. *Langley* v. *Conlan,* (Mass. 1912) 98 N. E. 1064.

The case is interesting because the question whether the donee of a power can be estopped from a voluntary exercise of the power, appears never to have arisen in Massachusetts. The question has, however, been passed on in other jurisdictions, the principle announced being, that where the donee of a power creates interests inconsistent with the exercise of the power, then the power is extinguished, because it is not permitted to a man to defeat his own grant; and this was the ground for the decision in the principal case. *West* v. *Berney,* I Russ & M. 431; *Smith* v. *Death,* 5 Mad. 227; *Foakes* v. Jackson, [1900] I Ch. 807; *Leggett* v *Doremus,* 25 N. J. Eq. 122; *Grosvenor* v. *Bowen,* 15 R. I. 549.

RAILROADS—ACCOMMODATIONS FOR WHITE AND COLORED PASSENGERS.—A statute of Mississipi provides that every railroad doing business in that state shall provide equal but separate accommodations for white and colored passengers, and shall assign each passenger to his proper car. Provisions are made for the punishment by fine or imprisonment for refusal to furnish the accommodations or to assign the passengers to the proper car. Plaintiff bought a ticket over defendant company's and connecting lines, from Vicksburg, Miss. to New York. Three negroes were in the car to which the plaintiff was assigned. She requested the conductor to assign her or the negroes to another car, but he refused or neglected to do so. Plaintiff brought this action against the railroad and recovered. *Held* that the statute referred to interstate as well as intrastate passengers, and required that both should be assigned to their proper cars; and that the statute, so construed, was not a burden on interstate commerce nor an attempt to regulate it, and was constitutional. *Alabama and Vicksburg Ry. Co.* v. *Morris,* (Miss. 1912) 60 So. 11.

Statutes similar to the one here involved have come before the United States Supreme Court in *L. N. O. & T. Ry. Co.* 1. Miss. 133 U. S. 587; *Plessy* v. *Ferguson,* 163 U. S. 537; *Chesapeake and Ohio Ry. Co.* v. *Kentucky,* 179 U. S. 388. In each of these cases, however, the supreme court of the state had held that the statute, on the point involved, referred only to intrastate business, and the supreme court, in each case, held the statute valid as to intrastate business, but did not consider it in reference to interstate business. In *Hall* v. *DeCuir,* 95 U. S. 485, a statute of Louisiana, providing that carriers in that state must allow all passengers to occupy all parts equally, without discrimination as to color, was held unconstitutional, the court holding that the statute referred to interstate as well as intrastate passengers, and that as such, it was a direct burden on interstate commerce and void. In *Chiles* v. *Chesapeake and Ohio Ry. Co.,* 218 U. S. 71, it was held that a railroad could,